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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/990,239 | 11/21/2001 | Pekka Horttanainen | 991.1164 | 1930 |
| 21831 | 7590 | 07/12/2004 | EXAMINER | |
| STEINBERG & RASKIN, P.C. 1140 AVENUE OF THE AMERICAS, 15th FLOOR NEW YORK, NY 10036-5803 | | | | LEO, LEONARD R |
| ART UNIT | | PAPER NUMBER | | |
| | | 3753 | | |

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|----------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/990,239 | HORTTANAINEN ET AL. | |
| | Examiner Leonard R. Leo | Art Unit 3753 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 19-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 19-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 14, 2004 has been entered.

Claims 19-32 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulmanen (GB 2,349,688) in view of Paul (DE 25 51 078).

Ulmanen ('688) discloses all the claimed limitations except a control device in each side chamber.

Paul discloses a supply air terminal device comprising a housing defining a supply air chamber 1; air guiding part 14; nozzles 12 inducing circulated air 16 into side chamber 15 and control device 21 for the purpose of varying the amount of mixed air.

Since Ulmanen ('688) and Paul are both from the same field of endeavor and/or analogous art, the purpose disclosed by Paul would have been recognized in the pertinent art of Ulmanen ('688).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Ulmanen ('688) control device for the purpose of varying the amount of mixed air as recognized by Paul. Although the device of Paul discloses a single side chamber, employing a control device in each side chamber of Ulmanen ('688), since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *In re Harza*, 274F.2d 669, 124 USPQ 378 (CCPA 1960).

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ulmanen ('688) in view of Paul as applied to claims 19-27 and 29-32 above, and further in view of Chandler.

The combined teachings of Ulmanen ('688) and Paul lacks an eccentric actuator.

Chandler discloses a supply air terminal device (Figure 3) comprising a housing 37; a heat exchanger 99; nozzles 104; side chamber 100 and unlabelled control device (in side chamber 90) having an eccentric actuator for the purpose of providing rotational motion to control the damper 96.

Since Ulmanen ('688) and Chandler are both from the same field of endeavor and/or analogous art, the purpose disclosed by Chandler would have been recognized in the pertinent art of Ulmanen ('688).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Ulmanen ('688) an eccentric actuator for the purpose of providing rotational motion to control the damper as recognized by Chandler.

Response to Arguments

The rejection in view of Paul is withdrawn.

The reference to Oy has been changed to reflect Ulmanen et al.

Applicant's arguments have been fully considered but they are not persuasive.

The Examiner has admitted for the record that Oy, now Ulmanen et al does not disclose a control device for controlling the induction ratio. The secondary reference of Paul teaches one of ordinary skill in the art to employ a control device downstream of both the circulated air path and supply air path to control the induction ratio.

Conclusion

Any inquiry of a general nature, relating to the status of this application or clerical nature (i.e. missing or incomplete references, missing or incomplete Office actions or forms) should be directed to the Technology Center 3700 Customer Service whose telephone number is (703) 306-5648. Status of the application may also be obtained from the Internet: <http://pair.uspto.gov/cgi-bin/final/home.pl>

Any inquiry concerning this Office action should be directed to Leonard R. Leo whose telephone number is (703) 308-2611.

Leonard R. Leo
LEONARD R. LEO
PRIMARY EXAMINER
ART UNIT 3753

July 11, 2004